

IN THE UNITED STATES COURT
FOR THE DISTRICT OF PUERTO RICO

NATALIA CEBOLLERO-BERTRÁN,

Plaintiff,

v.

PUERTO RICO AQUEDUCT AND
SEWER AUTHORITY,

Defendant.

Civ. No.: 19-1412 (SCC)

OPINION AND ORDER

Pending before the Court is Plaintiff Natalia Cebollero-Bertrán's Motion to Compel pursuant to Federal Rule of Civil Procedure 37(a). *See* Docket No. 40. For the reasons set forth below, Plaintiff Cebollero-Bertrán's motion is DENIED.

I. Discussion

On August 25, 2021, an Initial Settlement and Scheduling Conference ("ISC") was held. *See* Docket No. 30. The Minutes reflect that present on behalf of Plaintiff Natalia Cebollero-Bertrán were attorneys José L. Ramírez de León and Ana L. Toledo-Dávila, and on behalf of the Puerto Rico Aqueduct

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and Sewer Authority (“Defendant PRASA”), were attorneys Carlos R. Ramírez-Isern and Idalia M. Díaz-Pedrosa. During the ISC, the Parties agreed to, *inter alia*, finalize the exchange of initial disclosures by August 30, 2021. *Id.*

On October 28, 2021, Plaintiff Cebollero-Bertrán filed the instant Motion to Compel. *See* Docket No. 40. Plaintiff Cebollero-Bertrán sustains that Defendant PRASA’s initial disclosures did not comply with Federal Rule of Civil Procedure 26(a), for during a meeting between the Parties regarding the same, counsel for Defendant PRASA represented that the only document that fell within the scope of Rule 26(a) was a “consent decree” but failed to provide a copy of that document and satisfy Rule 26(a). *Id.* Plaintiff Cebollero-Bertrán also attached to the Motion to Compel an email sent by Attorney Toledo-Dávila to Attorney Ramírez-Isern alluding to the aforesaid deficiencies in an apparent effort to resolve this matter without the Court’s intervention. *See* Docket No. 40-1. But according to Plaintiff Cebollero-Bertrán, that effort was fruitless because Defendant PRASA

failed to comply with the requests outlined in the email. *See* Docket No. 40 at ¶¶ 4-5.

Defendant PRASA has opposed the Motion to Compel on the grounds that Attorney Díaz-Pedrosa was not copied in the email sent to Attorney Ramírez-Isern regarding this discovery dispute and she was not present at the meeting regarding initial disclosures held between Attorney Ramírez-Isern and Ramírez de León and was therefore not notified of the “good faith efforts” to resolve this discovery dispute before Plaintiff Cebollero-Bertrán sought the Court’s intervention. Docket No. 41 at ¶¶ 2-3. Defendant PRASA adds that on the same day that it submitted its opposition, it sent counsel for Plaintiff Cebollero-Bertrán the requested initial disclosures.¹ *Id.* at ¶ 3.

The Court is not swayed by Defendant PRASA’s

¹ Defendant PRASA hints at a separate discovery dispute by alleging that Plaintiff Cebollero-Bertrán has not submitted her initial disclosures. *See* Docket No. 41 at ¶¶ 3-4. The Court need not entertain that allegation at this time because it has not been properly advanced. The Parties are reminded of their duty to meaningfully meet and confer prior to knocking on the Court’s door in order to raise discovery related disputes.

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explanation that Attorney Díaz-Pedrosa was unaware of the “good faith efforts” to resolve the discovery disputes raised in the Motion to Compel. There are three attorneys of record in this case on behalf of Defendant PRASA, to wit, attorneys Ramírez-Isern, A.J. Bennazar-Zequeira and Díaz-Pedrosa. Even though Attorney Díaz-Pedrosa was not copied in the email sent by Attorney Toledo-Dávila, attorneys Ramírez-Isern and Bennazar-Zequeira appear to have been copied. The Court expects co-counsel for Defendant PRASA to communicate with each other about pending matters in this case.

However, in view of Defendant PRASA’s representation that the initial disclosures were sent to Plaintiff Cebollero-Bertrán’s legal representative, *see* Docket No. 41 at ¶ 3, coupled with the fact that the record does not show that Plaintiff Cebollero-Bertrán has filed any additional discovery related motions after this Motion to Compel, the Court does not find Plaintiff Cebollero-Bertrán’s request meritorious.

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II. Conclusion

In light of the above, the Court **DENIES** Plaintiff Cebollero-Bertrán's Motion to Compel at Docket Number 40. IT IS SO ORDERED.

In San Juan, Puerto Rico, this 22nd day of December 2021.

S/ SILVIA CARREÑO-COLL
UNITED STATES DISTRICT COURT JUDGE